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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RESAT OTUS NURI,

aka Otus Resat Nuri,
aka Resat Nuri Otus,
aka Nuri Resat Otus,
aka Resat,
aka Otus,
aka Nuri,

Defendant.

5:15 mj 70855 MAL
CASE NO. CR 12-0808 DLJ

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS, defendant RESAT OTUS NURI has been charged with a violation of 18 U.S.C. § 1343, wire fraud;

WHEREAS, this matter is scheduled to come before the Court for preliminary hearing or arraignment on an indictment on Friday, July 24, 2015;

WHEREAS, the parties are in discussions regarding the merits of the underlying investigation relative to a possible disposition of this matter short of indictment, such that defense counsel has

1 determined that it is in the defendant's best interest to waive time under both Rule 5.1 of the Federal
2 Rules of Criminal Procedure as well as the Speedy Trial Act, in order to allow such discussions to
3 continue;

4 Accordingly, the parties mutually agree and hereby stipulate that a continuance of this matter
5 from July 24, 2015, until October 23, 2015, is necessary for effective preparation of counsel and for
6 continuity of counsel.

7 The parties therefore hereby agree and stipulate that the time from July 24, 2015, until October
8 23, 2015, may be excluded from the computation of time within which an information or indictment
9 shall be filed under the Speedy Trial Act, in order to ensure the reasonable time necessary for effective
10 preparation and continuity of counsel, pursuant to Title 18, United States Code Section 3161(b),
11 (h)(7)(A), (h)(7)(B)(iv), as well as a mutual stipulation to waive time for an indictment or preliminary
12 hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure, up to and including October
13 23, 2015, based on the need for effective preparation of counsel and continuity of counsel.

14 **IT IS SO STIPULATED.**

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16 Dated: July 20, 2015

/s/

TIMOTHY LUCEY
Assistant United States Attorney

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19 Dated: July 20, 2015

/s/

LEE H. RUBIN, ESO.
Attorney for Defendant

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25 ~~PROPOSED~~ ORDER

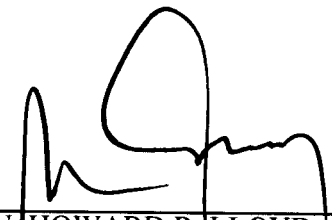
26 **GOOD CAUSE APPEARING** and pursuant to the parties' stipulation, the Court enters this
27 order continuing the date for a preliminary hearing or arraignment on an indictment, from Friday, July
28 24, 2015, until Friday, October 23, 2015, before the duty magistrate, as well as documenting the

1 defendant's waiver of the time to conduct a preliminary hearing under Federal Rule of Criminal
2 Procedure Rule 5.1, as well as the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from
3 July 24, 2015, up to and including October 23, 2015, based on the need for effective preparation and
4 continuity of counsel.

5 **IT IS SO ORDERED.**

6 DATED:

7 7/21/15

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HON. HOWARD R. LLOYD
United States Magistrate Judge